

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**WENDELL LAWSON,**  
**Plaintiff,**

**CIVIL ACTION**

**v.**

**CITY OF PHILADELPHIA and  
POLICE OFFICER REUBEN ONDARZA,  
Badge No. 2004,**  
**Defendants.**

**NO. 17-4228**

**ORDER**

**AND NOW**, this 15th day of February, 2018, upon consideration of defendants City of Philadelphia and Police Officer Reuben Ondarza's Motion to Dismiss for Failure to State a Claim (Doc. No. 8, filed December 22, 2017) and plaintiff Wendell Lawson's Memorandum of Law in Opposition to Defendants' Motion to Dismiss for Failure to State a Claim (Doc. No. 9, filed January 3, 2018), for the reasons stated in the accompanying Memorandum dated February 15, 2018, **IT IS ORDERED** as follows:

1. That part of defendants City of Philadelphia and Ondarza's Motion to Dismiss seeking to dismiss Count II of the Amended Complaint to the extent it sets forth claims against the City of Philadelphia for failure to train in subparagraph 33(m) of the Amended Complaint is **GRANTED** and those claims are **DISMISSED WITHOUT PREJUDICE**; and,

2. That part of defendants City of Philadelphia and Ondarza's Motion to Dismiss seeking to dismiss Count I of the Amended Complaint to the extent it sets forth claims against Ondarza under the Pennsylvania Constitution and Pennsylvania law is **GRANTED** by agreement and those claims are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that plaintiff is granted leave to file a second amended complaint within twenty (20) days with respect to the failure to train claim in Count II of the

Amended Complaint, if warranted by the facts and applicable law as set forth in the accompanying Memorandum dated February 15, 2018.

**IT IS FURTHER ORDERED** that a preliminary pretrial conference will be scheduled in due course. Discovery may proceed in the interim.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**